

ZB# 03-56

John Antonelli

12-1-39

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 1-26-04

ZBA #03-50 JOHN ANTONELLI
(AREA/INTER) 4 HILLSIDE DR 12-1-39

John Antonelli 569-1097



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

March 15, 2004

John Antonelli (or Present Owners of)
43 Hillside Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-56 (12-1-39)

Dear Mr. Antonelli or Present Owner:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 12-1-39

In the Matter of the Application of

JOHN & ELLEN ANTONELLI

MEMORANDUM OF
DECISION GRANTING

**INTERPRETATION
AND/OR USE; AREA**

CASE #03-56

WHEREAS, JOHN ANTONELLI, owner(s) of 43 Hillside Avenue, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an :
26 ft. 4 inch Rear Yard Setback for existing attached rear deck (Use: 8-G) and;
Interpretation and/or Use Variance for existing two-family house in R-4 Zone and;
33,570 sq. ft. Minimum Lot Area and;
12% Developmental Coverage

All located at 43 Hillside Drive in an R-4 Zone

WHEREAS, a public hearing was held on December 8, 2003 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.

- (b) The applicants will not be cutting down any trees or removing any substantial vegetation to build the addition.
- (c) This property became a two-family property in 1961. It was used as a two-family residence from then until it was sold in 1971.
- (d) The present owners purchased the home in 1971 and continued to use the home as a two-family home until the present. The applicant has been taxed for a two-family home during the entire time that he owned the home.
- (e) The porch/deck has been on the property since the present owner acquired the premises. It does not appear from the records that a building permit or a certificate of occupancy were ever issued for this porch/deck.
- (f) The porch is not built on top of any easements including, but not limited to, water, sewer or utility.
- (g) There have been no complaints about the porch/deck either formal or informal.
- (h) The property contains two driveways.
- (i) The property is bordered on two sides by property owned by the Central Hudson Gas & Electric Company.
- (j) The property appears visually consistent with other properties in the neighborhood.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The use of the premises as a two-family home began in approximately 1961, predating the enactment of a zoning law in the Town of New Windsor.
2. The use of the property as a two-family residence is, therefore, a pre-existing, non-conforming use and may continue.
3. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
4. There is no other feasible method available to the Applicant that can produce the benefits sought.

5. The variance(s) requested are substantial in relation to the Town regulations but, nevertheless, are warranted.
6. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
7. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but, nevertheless, should be allowed.
8. The benefit to the Applicant, if the requested variance(s) are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
9. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
10. The interests of justice will be served by allowing the granting of the requested area variance(s).

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a

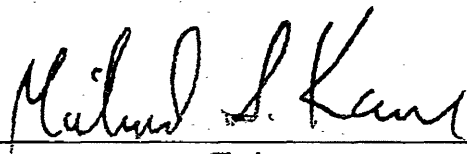
- 26 ft. 4 inch Rear Yard Setback for existing attached rear deck (Use: 8-G) and;
- Interpretation and/or Use Variance for existing two-family house in R-4 Zone and;
- 33,570 sq. ft. Minimum Lot Area and;
- 12% Developmental Coverage

All located at 43 Hillside Drive in an **R-4 Zone** as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: December 8, 2003



Chairman

1 of 2

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: October 17, 2003

**APPLICANT: John & Ellen Antonelli
43 Hillside Drive
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 10/17/03

FOR : Attached rear deck

LOCATED AT: 43 Hillside Drive

ZONE: R-4 Sec/Blk/ Lot: 12-1-39

DESCRIPTION OF EXISTING SITE: SBL# 12-1-39

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Existing 16'x20' attached rear deck does not meet minimum 40' rear- yard setback.**


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 8-G Bulk Tables

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

40'

13.6'

26.4'

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

03-56

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

COPY

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

FEB 19 2003

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified notepad showing work completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2003-122

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

X Owner of Premises JOHN ANTONELLI (941) 542 4415

X Address 43 Hillside Phone # 569-1097

Mailing Address _____ Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the _____ side of Hillside Ave
(N, S, E or W)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____
3. Tax Map Description: Section 12 Block 1 Lot 39
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy _____ b. Intended use and occupancy _____
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other
6. Is this a corner lot? NO existing deck
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
- Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee _____

PAID
Cash \$ 50

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

John C. Tonell
(Signature of Applicant)

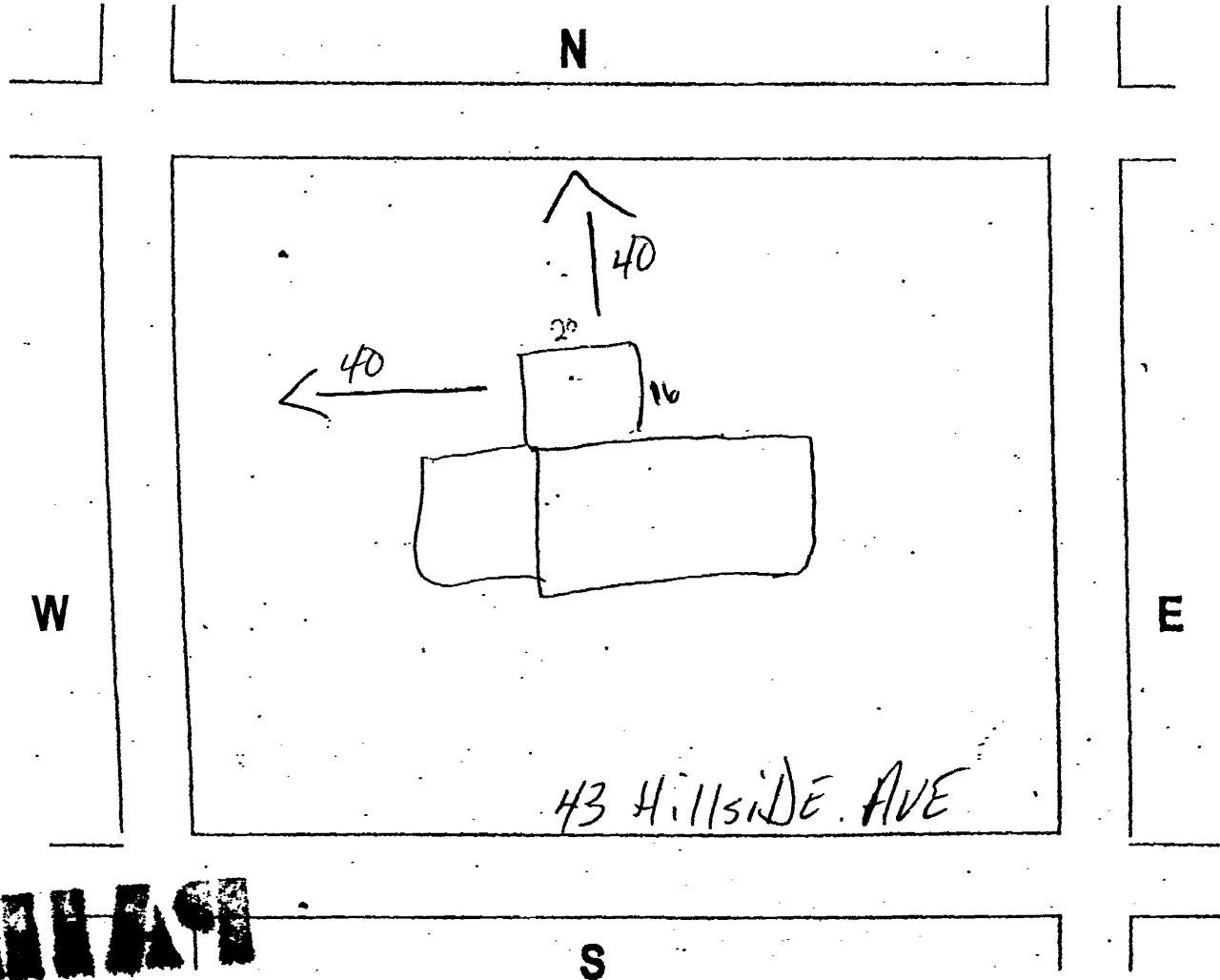
(Address of Applicant)

John C. Tonell
(Owner's Signature)

PLOT PLAN

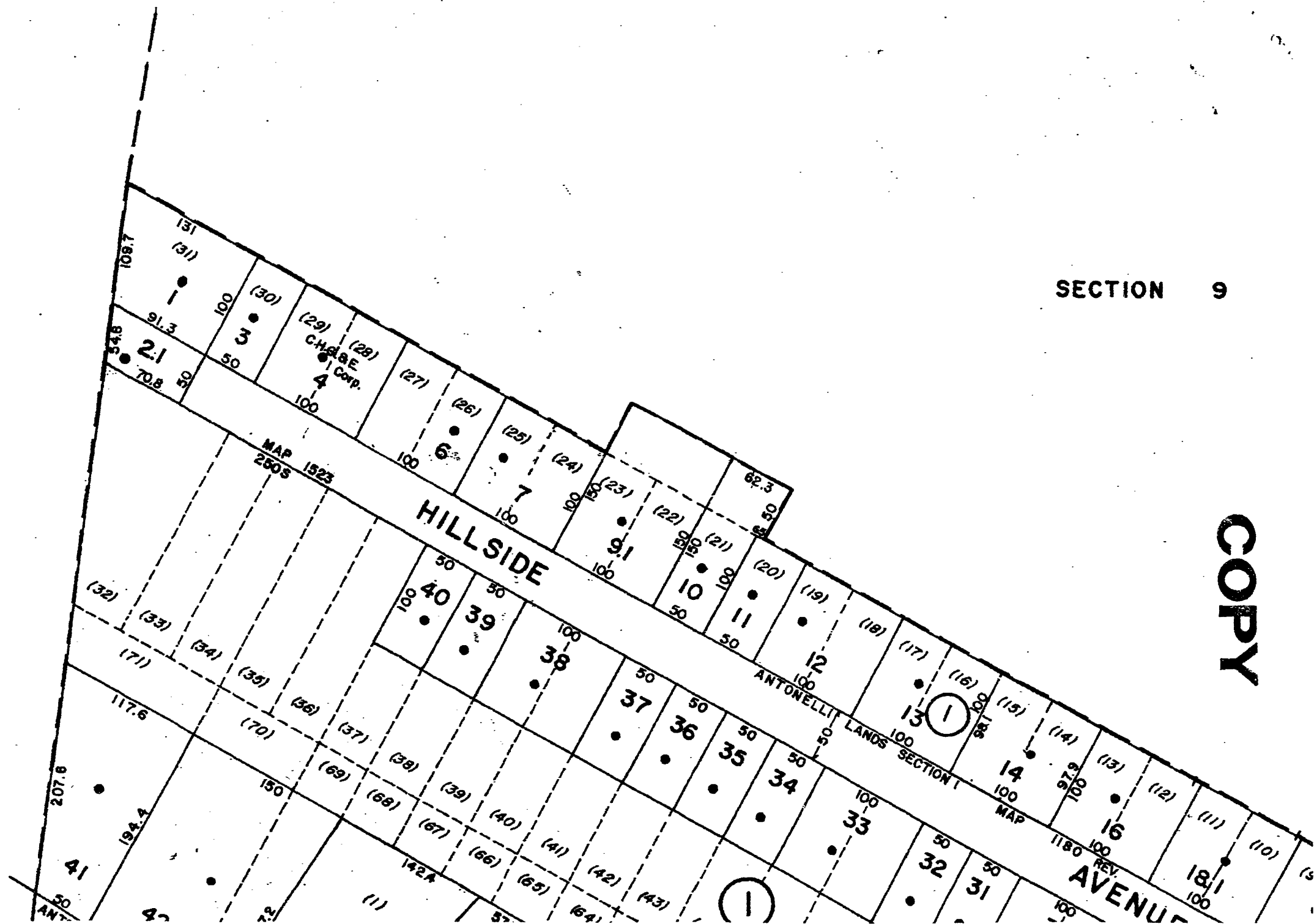
NOTE:

Locate all buildings and indicate all set-back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

Copy



2 of 2

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: October 17, 2003

**APPLICANT: John & Ellen Antonelli
43 Hillside Drive
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 10/17/03

FOR : Two- family house

LOCATED AT: 43 Hillside Drive

ZONE: R-4 Sec/Blk/ Lot: 12-1-39

DESCRIPTION OF EXISTING SITE: SBL# 12-1-39

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Existing two-family house is not permitted in a R -4 zone.**


BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-4 USE: A-8 Bulk Tables			
MIN LOT AREA:	43,560 sq. ft.	9,990 sq.ft.	33,570 sq.ft.
MIN LOT WIDTH:			
REQ'D FRONT YD:			
REQ'D SIDE YD:			
REQ'D TOTAL SIDE TD:			
REQ'D REAR YD:			
REQ'D FRONTAGE:			
MAX BLDG HT:			
FLOOR AREA RATIO:			
MIN LIVABLE AREA:			
DEV COVERAGE:	30%	42%	12%

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

COPY

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be re-inspected.

RECEIVED

FEB 21 2003

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2003-139

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises JOHN ANTONELLI ELLEN ANTONELLI

Address 43 HILLSIDE AVE Phone # 914-542-4415
(845) 369-1097

Mailing Address _____ Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 12 Block 1 Lot 39

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy 2 Family (Conversion)

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

6. Is this a corner lot? No 1 family to 2 family existing

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: 2 Number of dwelling units on each floor 1

Number of bedrooms 4 Baths 2 Toilets 2 Heating Plant: Gas Oil
Electric/Hot Air _____ Hot Water PROPANE If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee \$50

ZONING BOARD

CH# 980

PAID

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

John J. Antorelli
(Signature of Applicant)

(Address of Applicant)

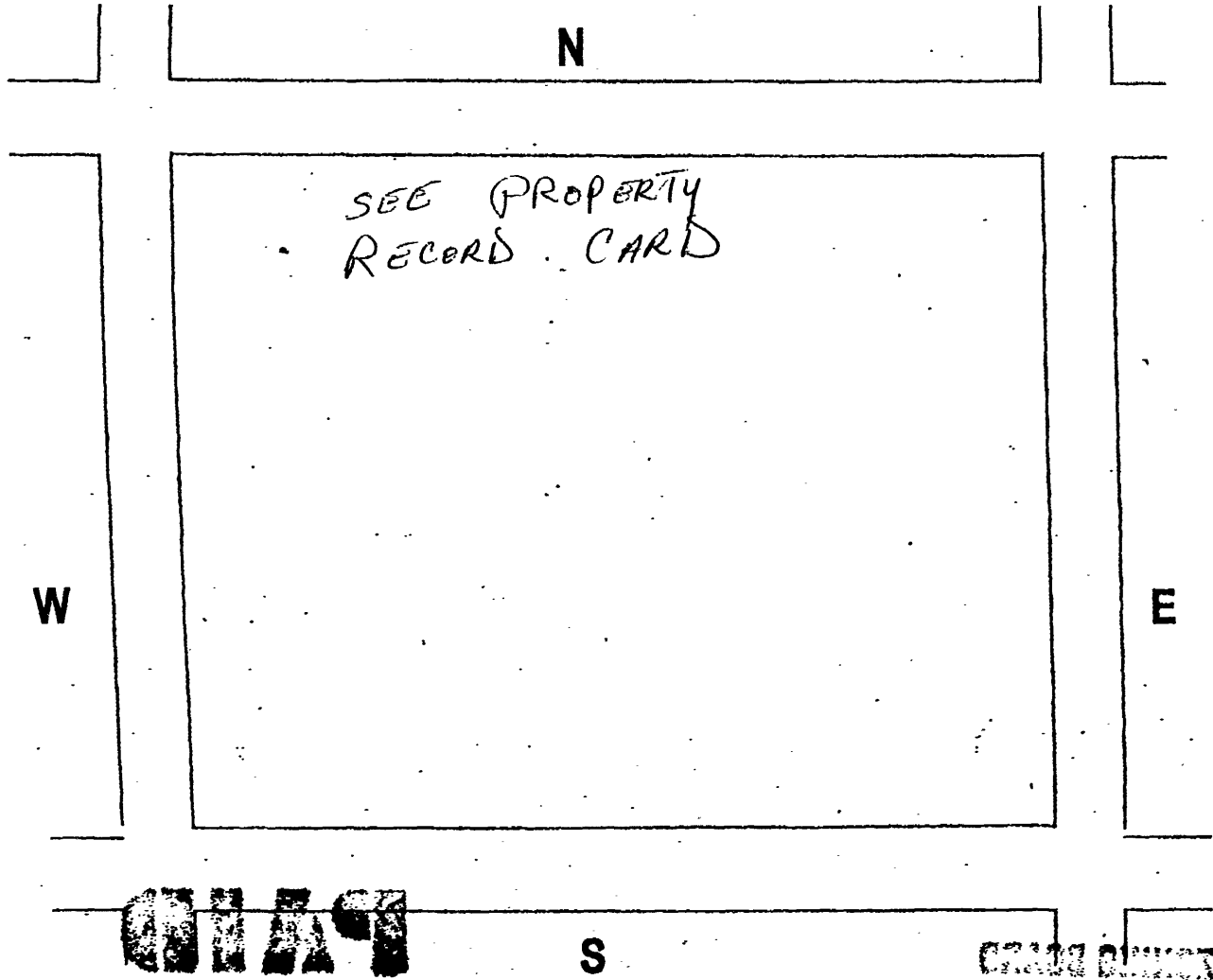
John J. Antorelli
(Owner's Signature)

43 Hillside Ave
(Owner's Address)

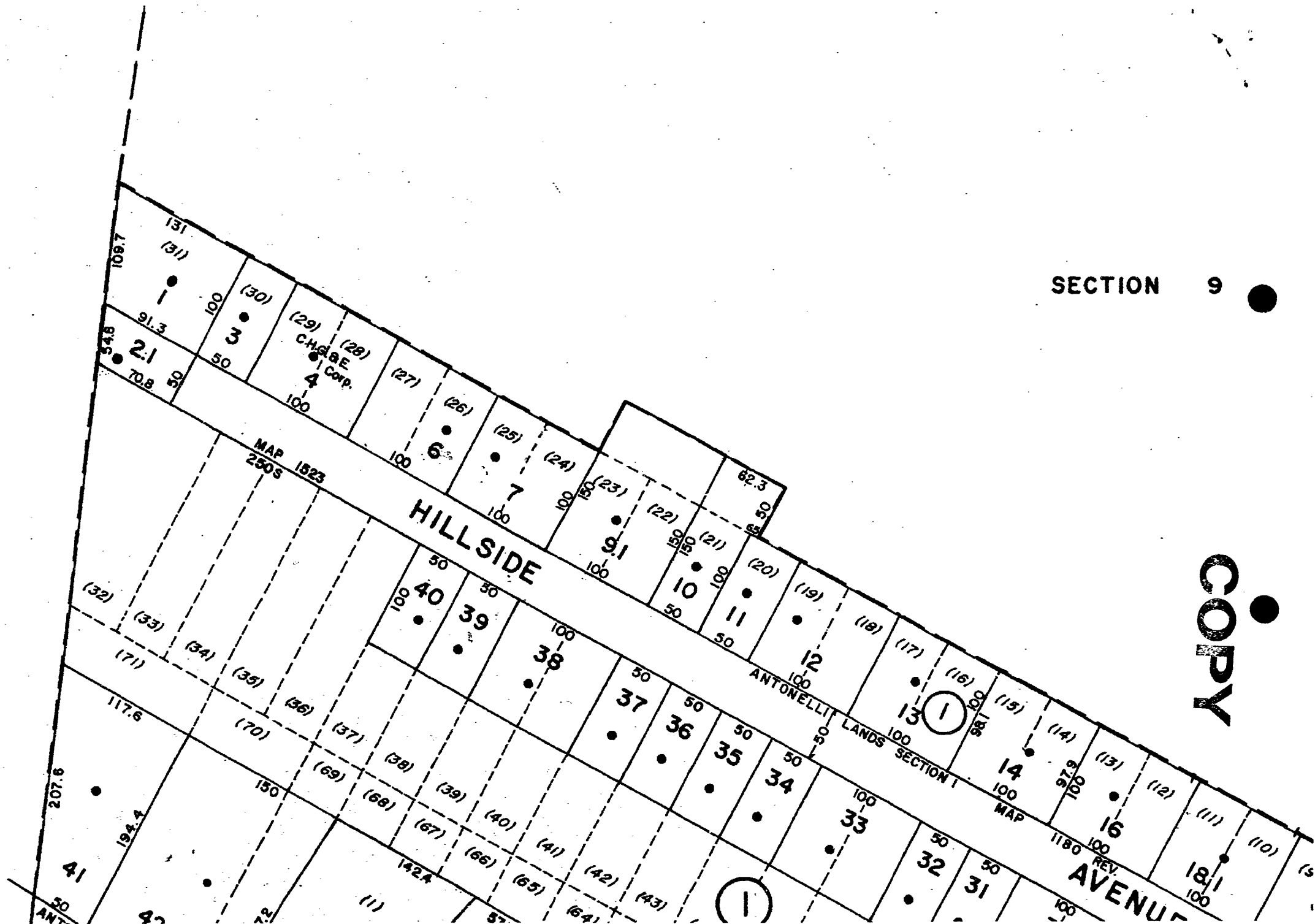
FLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



• COPY







**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: JANUARY 14, 2004
SUBJECT: ESCROW REFUND - 03-56

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 171.50 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #03-56

NAME & ADDRESS:

**JOHN & ELLEN ANTONELLI
43 Hillside Drive
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.1-14-04



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #03-56 TYPE: OTHER _____

APPLICANT:
JOHN & ELLEN ANTONELLI
43 Hillside Drive
New Windsor, NY 12553

TELEPHONE: 569-1097

RESIDENTIAL:	\$ 50.00	CHECK # 1971
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 1970

* * * * * * * * * * * * *

<u>DISBURSEMENTS:</u>			<u>MINUTES</u> \$4.50 / PAGE	<u>ATTORNEY</u> <u>FEE</u>
PRELIMINARY:	<u>7</u>	PAGES	\$ <u>31.50</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>6</u>	PAGES	\$ <u>27.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____
TOTAL:			\$ <u>58.50</u>	\$ <u>70.00</u>

* * * * * * * * * * * * *

ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 128.50

AMOUNT DUE: \$ _____

REFUND DUE: \$ 171.50

L.R. 1-14-04

JOHN & ELLEN ANTONELLI (03-56)

MR. KANE: Request for 26 ft. 4 inch rear yard setback for existing attached rear deck (Use: 8-G) and interpretation and/or use variance for existing two-family house in R-4 zone and 33,457 square foot minimum lot area and 12% developmental coverage all located at 43 Hillside Drive in an R-4 zone.

Mr. John Antonelli appeared before the board for this proposal.

MR. KANE: Tell us what's going on, John, same thing you did in the preliminary hearing.

MR. ANTONELLI: Okay, I want to make sure the house gets turned back into a two-family house which I thought I bought a two-family house and I have a letter I'd like to present to the board from the original owner's daughter stating that it was put in in 1961, the apartment, and we're taxed as two family from the county and from the town.

MR. KANE: And the letter, be noted that we do have that letter from Mary Ann Sanders. We used to reside at 43 Hillside Avenue, New Windsor, I lived there with my parents until February 4, 1961 which at that time my father and husband built an apartment in the basement, we then moved and paid rent until my parents sold the house and we moved in September of 1971.

MR. KRIEGER: Is that when you bought it?

MR. ANTONELLI: Right, yeah, it was in '71, I'm not sure what the exact date was.

MR. KRIEGER: From that person?

MR. ANTONELLI: Right, from her father and mother, I believe.

MR. KANE: And you have been paying taxes as a two-family home since then, John?

MR. ANTONELLI: Right.

MR. KRIEGER: And used as a two-family home continuously without any interruptions?

MR. ANTONELLI: Right.

MR. KANE: Has there been any complaints formally or informally about the use of it as a two-family home?

MR. ANTONELLI: Not that I know of.

MR. REIS: What brings you to the board?

MR. ANTONELLI: When I went to sell it last February, I came up here and it was on the tax card that it was an illegal 220, somebody wrote it down in pencil, I don't know who did it, they didn't initial or sign it and then so now I went through the whole process, so now I got an engineer and brought it all up to today's fire codes.

MR. REIS: Is it back on the market?

MR. ANTONELLI: I didn't put it back on the market, no, I don't have it on the market right now, but I want to take care of it because if they don't sell it, sooner or later my kids are going to have to do it and it's going to be worse and my daughter told me she wants to buy it next year so we'll see what happens.

MR. KANE: So I think the first thing we want to do is Myra, how many mailings did we have?

MS. MASON: On the 24th of November, I mailed out 31 envelopes. I had no responses.

MR. KANE: And at this point, I'll open and close the public portion of the hearing, seeing as there's nobody here in the audience and bring it back to the board. I think the first thing we need to do is decide whether we need an interpretation that this is a pre-existing two-family home and get that on the record and/or if not, then go to a use hearing. So we would, if you guys feel comfortable, let's take care of the interpretation now and then we can take care of the numbers later so we need a motion.

MR. REIS: Based on our information received, the fact that the two family has been utilized as such since '61, I believe, I make motion that we interpret this to be an existing two-family house in an R-4 zone.

MR. MINUTA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. KANE: That takes care of that. So we don't need to do anything with the use, so we come down to the 26 foot 4 inch rear yard setback for the attached rear deck. How long has the deck been there, John?

MR. ANTONELLI: It was a porch maybe 20, 25 years, something like that it's been over the years, I changed the wood, re-did it a little bit, we made it a little bit bigger.

MR. KANE: Was it existing before you bought the home?

MR. ANTONELLI: Yes.

MR. KANE: Permit on record on that deck?

MR. BABCOCK: No.

MR. KANE: Since it was a pre-existing home, two-family home, the developmental coverage and the area that would fall in there.

MR. BABCOCK: Well, we figured since he's here tonight, we'll cover all the bases. If you don't feel that it's necessary, fine with us. The developmental coverage came into play because of the deck, Mr. Antonelli mentioned that he didn't, that he did increase the size of the deck so we figured that it would be best just to put it in.

MR. KANE: I agree, I have no problem with that. Gentlemen? Do you have any feelings?

MR. MINUTA: Only question I have on that is actually 2, number 1, there's enough parking and number 2, there's enough green area.

MR. ANTONELLI: Well, we have two driveways, there's plenty of parking, I can get probably about 12, 14 cars in there and I would say roughly I don't know how you'd want to say about the green area, it's on the side of the house.

MR. KANE: Just describe it as best you can.

MR. ANTONELLI: Probably at least 14, 15 foot from their property line and my house and behind me is Central Hudson's property, so it's all woods there. The other side of my other driveway is I have a field there and it's all Central Hudson's property.

MR. KANE: And your front and your property from the driveway to the, through the front of the house you have all grass right there?

MR. ANTONELLI: Right.

MR. KANE: Grass, trees and shrubberies running down the side of the house and you have a back yard?

MR. ANTONELLI: Yes, I don't have any shrubbery on that side.

MR. KANE: But you have grass and it's substantial enough greenery, does it fit into the neighborhood right now?

MR. ANTONELLI: Yes.

MR. KRIEGER: So if I understand correctly, you're bordered by Central Hudson in the back and one side and neighbor on the other side?

MR. ANTONELLI: Right.

MR. KANE: The map answers your question on parking, Joe?

MR. MINUTA: Yes.

MR. KANE: Any other questions, gentlemen?

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion that we pass John and Ellen Antonelli's requested variance at 423 Hillside Drive for the rear yard setback for the minimum lot coverage and developmental coverage.

MR. MINUTA: Second it.

ROLL CALL

December 8, 2003

37

MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

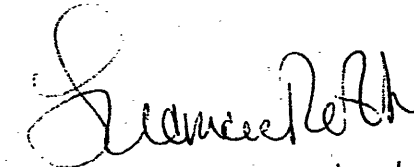
MR. REIS: So moved.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

Respectfully Submitted By:



Frances Roth
Stenographer

1/16/04

JOHN & ELLEN ANTONELLI (03-56)

Mr. John Antonelli appeared before the board for this proposal.

MR. KANE: Request for 26 ft. 4 in. rear yard setback for existing attached rear deck (Use: 8-G) and interpretation and/or use variance for existing two-family house in R-4 zone and 33,570 sq. ft. maximum lot area and 12% developmental coverage all located at 43 Hillside Drive in an R-4 zone.

MR. ANTONELLI: My primary reason here tonight when I bought the house in 1971, I bought a two-family house and now we find out that it's, somebody wrote on the tax card that it was an illegal 220 in 1980 and I'm on the tax rolls as a two-family house. The Town has me down as a two-family house, we bought the house as a two-family house and I want to get it into the right zoning.

MR. KANE: Have you, John, have you used it as a two-family house?

MR. ANTONELLI: Since day one, since day one, I have a notarized letter from the original owner's daughter that the apartment was built in 1961.

MR. KRIEGER: Continuously used?

MR. ANTONELLI: Continuously used and I just, actually, I just had the engineer come in, we brought it up to fire codes.

MR. KANE: Do you have a copy of the letter, John? That's very important.

MR. ANTONELLI: Yes.

MR. KANE: That letter will enable you for pre-existing

zoning with 1961. And therefore, not go through a use variance.

MR. REIS: How long have you owned the home?

MR. ANTONELLI: Since 1971.

MR. REIS: What brings you to the ZBA?

MR. ANTONELLI: We went to sell the house last year and we found out that it was an illegal 220.

MR. KANE: What else do we need to do for that? I want to take care of the most difficult thing first, John, we have that letter there, what else would we need? Do you have separate electric bills on that?

MR. ANTONELLI: Yes.

MR. KANE: For the public hearing, can you bring in a copy of both sets of bills as far back as you can find, that would be appreciated?

MR. ANTONELLI: I don't know how far back.

MR. KANE: Whatever you can do.

MR. ANTONELLI: Because we always had it rented out until I found out on the card, we always thought we had a two-family house because the tax receipts from New Windsor was two family and the County always came down as a two family, two kitchens, two bathrooms.

MR. REIS: What you're going through, John, is not uncommon, okay, it's very typical.

MR. ANTONELLI: I know half the houses on our street are like that so--

MR. KANE: Be here sooner or later. Just note in the

record that he has presented me two tax receipt payments, that state from Orange County that it's a two-family home and dated 1/20/03 and from the Town of New Windsor receipt that it is a two-family residence.

MR. KANE: Can we make copies of those?

MR. ANTONELLI: Sure.

MR. KANE: Cause that's the important thing in here so you can go for an interpretation since the home was built according to the letter in 1961. Mike, do you have any information on that as far as the building of the home or how old it is?

MR. BABCOCK: No, I don't, I do not have that, Mr. Chairman.

MR. ANTONELLI: I believe it was 1950.

MR. KANE: Approximately, 1950, we have that in the record and we have stated the letter that will be in the record too that you lived there in February, 1961, so that would predate zoning, so therefore, you wouldn't have to go for a use variance if the interpretation is read that way so we'll go that route. Okay?

MR. KRIEGER: You'll need a short form EAF in case he does to preserve his options.

MR. KANE: Okay, let's go to the deck, 27 foot 4 inch rear yard setback for existing deck, how long has the deck been there?

MR. ANTONELLI: There's been a deck there since like in the middle of the '70s, there's a concrete patio back there, there's a deck there.

MR. KANE: Was there a deck when you purchased the home

there?

MR. ANTONELLI: Yes, it was a small deck, it wasn't as big as it is now.

MR. KANE: You've changed the deck since then, fixed it up?

MR. ANTONELLI: Yes.

MR. KANE: Any complaints about the deck formally or informally?

MR. ANTONELLI: My neighbor's Central Hudson, so nobody can see it.

MR. KANE: As far as you know, any creation of water as hazards or runoffs with the building of the deck or since then?

MR. ANTONELLI: No.

MR. KANE: Cutting down trees or any substantial vegetation?

MR. ANTONELLI: No.

MR. KANE: Any easements in the deck area?

MR. KRIEGER: On top of any easements?

MR. ANTONELLI: No.

MR. KANE: Deck is similar in size to other decks in your neighborhood?

MR. ANTONELLI: I would imagine so, I mean, I'm not really sure.

MR. KANE: According to Central Hudson.

MR. ANTONELLI: I don't know, you have to go down there and look at everybody's yard, it's hard to tell, the way my house is situated, it's all woods behind me and to the side of me.

MR. KRIEGER: Please note the answer is substantially the same.

MR. ANTONELLI: I would say right, I mean, to be honest with you, that wasn't my real problem because I can convert it back to the concrete patio if I had to.

MR. KRIEGER: The answer to the last question is yes, that's fine.

MR. ANTONELLI: Yes.

MR. KANE: 33,500 square foot minimum lot area, that's because he's in an area that does not allow two family homes?

MR. BABCOCK: That's correct.

MR. KANE: If he predates zoning on that, does he need the variance on that, should we clear it up for the record? If the interpretation comes down on that side, that's the question I have, should we do it?

MR. BABCOCK: Really I don't think we do need it if it's an interpretation that the house was a two family pre-existing.

MR. KANE: It predates zoning so it would be grandfathered in.

MR. BABCOCK: Right.

MR. KRIEGER: That would be my reading, yes.

MR. KANE: Same with the 12 percent development, these two stem from this, so you understand.

MR. ANTONELLI: Right, if it helps any, 15 Hillside Avenue was, it's my cousin's house, she went through the same problem, I guess last year sometime.

MR. KANE: Yeah, we get them here. Gentlemen, do you have any other questions?

MR. RIVERA: I just have a question on the interpretation of the use, what style house is that, is that a ranch, high ranch?

MR. ANTONELLI: It's--Myra, do you have the pictures?

MS. MASON: I do, it's on there.

MR. KANE: It's a New Windsor special.

MS. MASON: You have pictures, Steve.

MR. RIVERA: How is it listed, a ranch, high ranch or bi-level?

MR. ANTONELLI: I guess a ranch, I don't know.

MR. MINUTA: Ranch with a basement.

MR. KRIEGER: I would say it's a raised ranch.

MR. KANE: Any other questions?

MR. RIVERA: No.

MR. ANTONELLI: To be honest with you, if you go inside the house, it's a lot bigger than the outside looks, you just can't believe the size of the rooms there, don't ask me why, but the house looks small, the insides are, the way the house is situated, I guess.

MR. KANE: All set?

MR. ANTONELLI: All set.

MR. KANE: The more you talk, the more it costs you.

MR. REIS: Do we need a minimum square footage?

MR. KANE: If he predates zoning, it should all go away. Except for the thing on the deck.

MR. BABCOCK: Right.

MR. KANE: That's separate from the other issues.

MR. MINUTA: Accept a motion?

MR. KANE: Yes, I will.

MR. MINUTA: Make a motion that we grant John and Ellen Antonelli their request for public hearing to be presented for a public hearing for 26 foot 4 inch rear yard setback for existing rear yard deck, interpretation or use variance for the existing two-family house in an R-4 zone, 33,570 square foot minimum lot area and 12 percent developmental coverage all located at 43 Hillside Drive in an R-4 zone.

MR. RIVERA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. RIVERA	AYE
MR. KANE	AYE



RESULTS OF Z.B. MEETING OF:

December 8, 2003

PROJECT:

John Antonelli

ZBA #

23-56

P.B.#



USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

PUBLIC HEARING: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

NEGATIVE DEC: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

APPROVED: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) S)

VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED:

INT. INT.
M) RS S) MM VOTE: A 4 N 0

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y ☒ N

No Complaints

Int. = Is pre existing

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

JOHN ANTONELLI

AFFIDAVIT OF
SERVICE
BY MAIL

#03-56

----- X

STATE OF NEW YORK)

) SS:

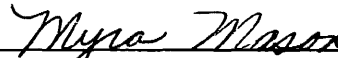
COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

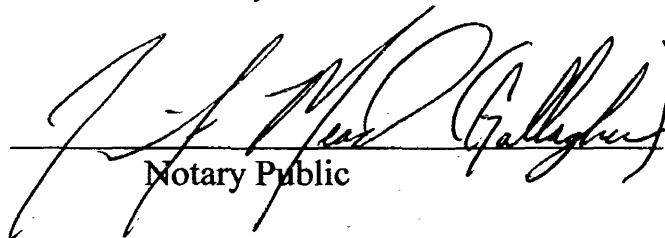
That on the 24TH day of **NOVEMBER**, 2003, I compared the 31 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this



Myra L. Mason, Secretary

24th day of November, 2003


Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

November 24, 2003

JOHN & ELLEN ANTONELLI
43 Hillside Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-56

Dear Mr. Antonelli:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

43 Hillside Drive
New Windsor, NY

is scheduled for the December 8th, 2003 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 03-56

Request of JOHN ANTONELLI

for a VARIANCE of the Zoning Local Law to Permit:

Request for:

**26 ft. 4 inch Rear Yard Setback for existing attached rear deck and;
Interpretation and/or Use Variance for existing two-family house in R-4 Zone and;
33,570 sq. ft. Minimum Lot Area and;
12% Developmental Coverage**

being a VARIANCE of Section (Use: 8-G)

for property located at: 43 Hillside Drive - New Windsor, NY in an R-4 Zone

known and designated as tax map Section 12 Block 1 Lot 39

**PUBLIC HEARING will take place on DECEMBER 8, 2003
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**


Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessor's Office

November 18, 2003

John Antonelli
43 Hillside Avenue
New Windsor, NY 12553

Re: 12-1-39 ZBA#03-56

Dear Mr. Antonelli:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Assessor

JTW/lrd
Attachments

CC: Myra Mason, ZBA

4-1-52.2
Menorah Hill, Inc.
52 Yacht Club Drive, Apt. 309
North Palm Beach, FL 33408

4-1-53
William & Jacqueline Rumsey
PO Box 4101
New Windsor, NY 12553

4-1-55
Craig Saris
75A Lake Road, PO Box 109
Congers, NY 10920

4-1-56
Ann Lease
366 Union Avenue
New Windsor, NY 12553

4-2-20
Newburgh Enlarged City School District
C/o E. Philips
124 Grand Street
Newburgh, NY 12550

4-2-21.22
Patriot Ridge Development LLC
C/o AVR Realty Company
One Executive Blvd.
Yonkers, NY 10701

9-1-6 & 12-1-4 & 12-1-48
Central Hudson Gas & Electric Corp.
284 South Avenue
Poughkeepsie, NY 12602

9-1-7.2
Frank & Rose Giordano
46 Hillside Avenue
New Windsor, NY 12553

9-1-8 & 12-1-13
Archie & Gloria Jean Antonelli
28 Hillside Avenue
New Windsor, NY 12553

9-1-9 & 12-1-12
Josephine DiPaolo
32 Hillside Avenue
New Windsor, NY 12553

9-1-11
Ofer Avgush
152 Route 202
Garnerville, NY 10923

9-1-12.2
Angelina Talmadge
C/o Bernie Calandrea
13 Veronica Avenue
New Windsor, NY 12553

9-1-13
Roman Catholic Church of St. Joseph
6 St. Joseph Place
New Windsor, NY 12553

12-1-1
Andrew & Catherine Moglia
C/o Catherine Lorgan
56 Hillside Avenue
New Windsor, NY 12553

12-1-2.1 & 12-1-3
Andrew & Catherine Moglia
14 Little Lane Road
Newburgh, NY 12550

12-1-6
Chris Doogan
48 Hillside Avenue
New Windsor, NY 12553

12-1-7
Aldo Montoya
44 Hillside Avenue
New Windsor, NY 12553

12-1-9.1
Suzanne Brown Lewis
40 Hillside Avenue
New Windsor, NY 12553

12-1-10 & 12-1-11
Samuel & Kathryn Sorbello
34 Hillside Avenue
New Windsor, NY 12553

12-1-14
Kevin & Ellen Mann
24 Hillside Avenue
New Windsor, NY 12553

12-1-16
Philomena Guariglia Mahood
20 Hillside Avenue
New Windsor, NY 12553

12-1-30
Joseph & Carmela DeLeonardo
1647 Roland Avenue
Wantagh, NY 11793

12-1-31 & 12-1-32
Gino & Ella Cracolici
220 Summit Drive
New Windsor, NY 12553

12-1-33
Jamie & Wilma Anzalone
27 Hillside Avenue
New Windsor, NY 12553

12-1-34 & 12-1-35
Bernard McCullom
31 Hillside Avenue
New Windsor, NY 12553

12-1-36 & 12-1-37
John III & Louise Baker
35 Hillside Avenue
New Windsor, NY 12553

12-1-38
Anthony & Rose Damiano
39 Hillside Avenue
New Windsor, NY 12553

12-1-41
Mark Walters
Harry & Janice Walters
364 Union Avenue
New Windsor, NY 12553

12-1-42
Frank & Barbara Antonelli
360 Union Avenue
New Windsor, NY 12553

12-1-44.1
William Schwartz
356 Union Avenue
New Windsor, NY 12553

12-1-46.1

Jonle Enterprises, Inc.

354 Union Avenue

New Windsor, NY 12553

TOTAL CHARGES:

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 11/4/03

FOR: **#03-56 ESCROW**

FROM: **JOHN ANTONELLI, SR.**


43 HILLSIDE DRIVE

NEW WINDSOR, NY 12553

CHECK NUMBER: **1970**

AMOUNT: **300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

11-5-03

DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#1040-2003**

11/05/2003

Antonelli, John & Ellen [#]03-56

**Received \$ 50.00 for Zoning Board Fees, on 11/05/2003. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**



RESULTS OF Z.B.A. MEETING OF: November 10, 2003

PROJECT: John Antonelli ZBA # 03-56
P.B.# _____

USE VARIANCE: NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) MN S) Rv VOTE: A 4 N 0
RIVERA A
MCDONALD A
REIS A
MINUTA A
KANE A
CARRIED: Y ✓ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____.

RIVERA _____
MC DONALD _____ CARRIED: Y _____ N _____.
REIS _____
MINUTA _____
KANE _____

Received letter from previous owner - in file

Need separate electric bills as far back as possible

Need short E.A.F.



TOWN OF NEW WINDSOR

ZONING BOARD OF APPEALS

Regular Session AGENDA

Date: NOVEMBER 10, 2003

7:30 p.m. – Roll Call

PRELIMINARY MEETINGS:

1. **MARK GOULET (03-53)** Request for 21 ft. 3 inches Rear Yard Setback for proposed addition (Use G-8) at 19 Hill View Road in an **R-4 Zone (58-2-13)**
2. **UNITARIAN SOCIETY OF ORANGE COUNTY (03-54)** Request for 60 square feet variance for proposed freestanding sign (Use: 48-18-H-2-A-2) at 9 Vance Road in an **R-1 Zone (29-1-28.1)**
3. **JILL TURNER (03-55)** Request for 17 feet Rear Yard Setback for existing rear deck (Use: G-8) at 3045 Rt. 9W in an **R-4 Zone (23-4-8)**
4. **CLARA ZGRODEK (03-57)** Request for 14 ft. Rear Yard Setback for proposed sun room (Use: 8-G) at 13 Rocky Lane in an **R-4 Zone (49-6-8)**
5. **JOHN & ELLEN ANTONELLI (03-56)** Request for:
 - 26 ft. 4 inch Rear Yard Setback for existing attached rear deck (Use: 8-G) and;
 - Interpretation and/or Use Variance for existing two-family house in R-4 Zone and;
 - ~~33,570 sq. ft. Minimum Lot Area~~ and; *Not Needed if determined to pre-date zoning.*
 - ~~12% Developmental Coverage~~ *Not Needed if determined to pre-date zoning.*

All located at 43 Hillside Drive in an **R-4 Zone (12-1-39)**

PUBLIC HEARINGS:

6. **LAWRENCE REIS (#03-44)** Request for 20 ft. Front Yard Setback for proposed screen porch (Use: A-6) at 22 Willow Lane in an **R-4 Zone (42-2-1)**
7. **CELLULAR ONE (CHAZEN ENG.) (#03-52)** Request for Interpretation and/or Use Variance for telecommunication facility to be located on existing radio tower (48-21M and 48-24 B(3)) at 535 Toleman Road in an **R-1 zone (29-1-27.51)** (Referred by Planning Board)

FORMAL DECISIONS:

TAZ INDUSTRIES (03-16)
PADEN, JO ANN (02-46)
VAN ORDEN, MARILYN (03-28)
N.W. DENTAL MANAGEMENT (03-26)
PRENDERGAST, THOMAS (03-30)

HERSH, ROBT. (03-31)
COMO, JOSEPH (03-32)
HALL, JOSEPH (03-33)
LEE, JAMES (03-34)
KELLER, ALLEN (03-36)

10/21/03

John,

This is a bit complicated,
but I will try to explain.

I am charging you for an
application fee for an Area/Use
variance. (\$50.00) However, if you
get an interpretation that the
Two-Family was pre-existing zoning,
I will have to charge an additional
\$150.00 application fee for the Interpretation.

Hope this makes sense.

Myra

MYRA MASON
SECRETARY TO THE BOARD

**VINDSOR
[G BOARD
OF APPEALS**

IM

IE ZONING BOARD

SHLY AND SIGN WHERE

BOX CHECKED IN LOWER
OUR SITUATION AND
ON FRONT OF PACKAGE.

CALL MY OFFICE.

Feb 25-03

To Whom it MAY concern:

I MARY ANN Sanders who use to reside at 43 Hillside Avenue, New Windsor, NY. State I Lived with my parents until Feb-4-61 which At That Time my father And husband built An Apartment in The basement where we Then moved To And paid rent until my parents sold The house And we moved in Sept of 1971.

Sincerely,
Mary Ann Sanders

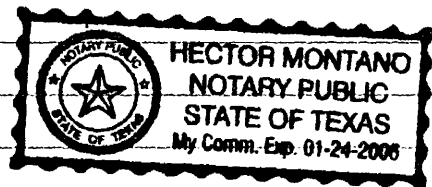
IF More information
is needed contact AT:

MARY ANN Sanders

413 S Main St Apt 46

Mansfield, TX 76063

817-473-3315



TAX PAYMENT RECEIPT

CTL # 35-2

COUNTY AND TOWN TAXES
TOWN OF NEW WINDSOR, COUNTY OF ORANGE NY
* FISCAL YEAR: 1/1/03 - 12/31/03

* WARRANT DATE: 12/27/02

Bill No: 180
Sequence No: 180
Page No: 1 of 1

MAKE CHECKS PAYABLE TO:

MARY ANN HOTALING
RECEIVER OF TAXES
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
(845) 563-4627

TO PAY IN PERSON:

NEW WINDSOR TOWN HALL
8:30-4:30 MON THROUGH FRI
TAX PAYABLE JAN FEB MARCH
1 PAYMENT ONLY.TEL 563-4627

PROPERTY DESCRIPTION & LOCATION:

SWIS: 334800 S-B-L: 12-1-40
Property Location: HILLSIDE AVE
Municipality: NEW WINDSOR
School: NEWBURGH CSD

RES VAC LAND Roll Sect. 1
Parcel Size: 50.00 X 100.00

Account No:

ANTONELLI JOHN J
43 HILLSIDE AVE
NEW WINDSOR NY 12553

Estimated State Aid: CNTY 64,772,755
TOWN 207,000

PROPERTY TAXPAYER'S BILL OF RIGHTS

The assessor estimated the Full Market Value of this Property as of January 1, 2002 was: 12,333
The Total Assessed Value of this property is: 3,700
The Uniform Percentage of Value used to establish assessments in your municipality was: 30.00%
If you feel your assessment is too high, you have the right to seek a reduction in the future. For further information please ask your assessor for the booklet "How to File a Complaint on Your Assessment". Please note that the period for filing complaints on the above assessment has passed.

EXEMPTIONS

Exemption	Value	Tax Purpose	Exemption	Value	Tax Purpose	Exemption	Value	Tax Purpose
-----------	-------	-------------	-----------	-------	-------------	-----------	-------	-------------

PROPERTY TAXES

Taxing Purpose	Total Tax Levy	% Change From Prior Year	Taxable Assessed Value or Units	Rate per \$1000 or per Unit	Tax Amount
COUNTY	75,909,788	21.8	3,700.00	16.094300	59.55
TOWN	3,743,417	5.2	3,700.00	11.132100	41.19
HIGHWAY	2,112,209	4.2	3,700.00	6.279900	23.24
QUASSICK FIRE	338,995	6.0	3,700.00 TO	5.223700	19.33
NW WTR 5	248,000	-10.1	3,700.00 TO	2.077600	7.69
NEW WINDSOR GBG	937,762	3.5	3,700.00 TO	6.443200	23.84
SWR DIST 12 BOND	2,200	-14.0	7.00 UN	1.299500	9.10
NW AMBULANCE	228,200	7.9	3,700.00 TO	.543300	2.01

PAYMENT SCHEDULE

Pay By	Penalty	Amount	Total Due
JAN 2003	0.00	185.95	185.95
FEB 2003	1.86	185.95	187.81
MAR 2003	5.72*	185.95	191.67

BASE TAX: 185.95

NYS MANDATED SERVICES ACCOUNT FOR 74% OF YOUR COUNTY TAX

Apply for Third Party Notification by: 11/01/2003
TAXES PAID BY: ANTONELLI ELLEN ON 01/30/2003

Bill No: 180
334800 12-1-40

* * TAX PAYMENT RECEIPT * *

CTL # 35-2

ANTONELLI JOHN J
43 HILLSIDE AVE
NEW WINDSOR NY 12553

	TAX	PNLTY	OVR-PMT	TOTAL
CHGD:	185.95			185.95
- PD:	185.95			185.95

AMT-DUE: 0.00

PAYMENT SCHEDULE

Pay By	Penalty	Amount	Total Due
JAN 2003	0.00	185.95	185.95
FEB 2003	1.86	185.95	187.81
MAR 2003	5.72*	185.95	191.67

BASE TAX: 185.95

NYS MANDATED SERVICES ACCOUNT FOR 74% OF YOUR COUNTY TAX

Apply for Third Party Notification by: 11/01/2003
TAXES PAID BY: ANTONELLI ELLEN ON 01/30/2003
NET PAID: 185.95

TAX PAYMENT RECEIPT

CTL # 35-3

COUNTY AND TOWN TAXES
TOWN OF NEW WINDSOR, COUNTY OF ORANGE NY
* FISCAL YEAR: 1/1/03 - 12/31/03

* WARRANT DATE: 12/27/02

Bill No: 181
Sequence No: 181
Page No: 1 of 1

MAKE CHECKS PAYABLE TO:

MARY ANN HOTALING
RECEIVER OF TAXES
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
(845) 563-4627

TO PAY IN PERSON:

NEW WINDSOR TOWN HALL
8:30-4:30 MON THROUGH FRI
TAX PAYABLE JAN FEB MARCH
1 PAYMENT ONLY.TEL 563-4627

PROPERTY DESCRIPTION & LOCATION:

SWIS: 334800 S-B-L: 12-1-39
Property Location: 43 HILLSIDE AVE
Municipality: NEW WINDSOR
School: NEWMURGH CSD

2 FAMILY RES Roll Sect. 1
Parcel Size: 50.00 X 100.00

Account No:

ANTONELLI JOHN J &
ELLEN L
43 HILLSIDE AVE
NEW WINDSOR NY 12553

Estimated State Aid: CNTY 64,772,755
TOWN 207,000

PROPERTY TAXPAYER'S BILL OF RIGHTS

The assessor estimated the Full Market Value of this Property as of January 1, 2002 was: 94,333
The Total Assessed Value of this property is: 28,300
The Uniform Percentage of Value used to establish assessments in your municipality was: 30.00%
If you feel your assessment is too high, you have the right to seek a reduction in the future. For further information please ask your assessor for the booklet "How to File a Complaint on Your Assessment". Please note that the period for filing complaints on the above assessment has passed.

EXEMPTIONS

Exemption	Value	Tax Purpose	Exemption	Value	Tax Purpose	Exemption	Value	Tax Purpose
PROPERTY TAXES								
Taxing Purpose	Total Tax Levy		% Change From	Taxable Assessed Value		Rate per \$1000		Tax Amount
			Prior Year	or Units		or per Unit		
COUNTY	75,909,788		21.8	28,300.00		16.094300		455.47
TOWN	3,743,417		5.2	28,300.00		11.132100		315.04
HIGHWAY	2,112,209		4.2	28,300.00		6.279900		177.72
QUASSICK FIRE	338,995		6.0	28,300.00 TO		5.223700		147.83
NW WTR 5	248,000		-10.1	28,300.00 TO		2.077600		58.80
NEW WINDSOR GBG	937,762		3.5	28,300.00 TO		6.443200		182.34
SWR DIST 12 BOND	2,200		-14.0	20.00 UN		1.299500		25.99
NW AMBULANCE	228,200		7.9	28,300.00 TO		.543300		15.38

PAYMENT SCHEDULE

Pay By	Penalty	Amount	Total Due
JAN 2003	0.00	1,378.57	1,378.57
FEB 2003	13.79	1,378.57	1,392.36
MAR 2003	29.57*	1,378.57	1,408.14

BASE TAX: 1,378.57

NYS MANDATED SERVICES ACCOUNT FOR 74% OF YOUR COUNTY TAX

Apply for Third Party Notification by: 11/01/2003
TAXES PAID BY: ANTONELLI ELLEN ON 01/30/2003

Bill No: 181
334800 12-1-39

* * TAX PAYMENT RECEIPT * *

CTL # 35-3

ANTONELLI JOHN J &
ELLEN L
43 HILLSIDE AVE
NEW WINDSOR NY 12553

TAX	PNLTY	OVR-PMT	TOTAL
CHGD: 1378.57			1378.57
- PD: 1378.57			1378.57

AMT-DUE: 0.00

PAYMENT SCHEDULE

Pay By	Penalty	Amount	Total Due
JAN 2003	0.00	1,378.57	1,378.57
FEB 2003	13.79	1,378.57	1,392.36
MAR 2003	29.57*	1,378.57	1,408.14

BASE TAX: 1,378.57

NYS MANDATED SERVICES ACCOUNT FOR 74% OF YOUR COUNTY TAX

Apply for Third Party Notification by: 11/01/2003
TAXES PAID BY: ANTONELLI ELLEN ON 01/30/2003
NET PAID: 1,378.57

185.95
1564.52

ORANGE COUNTY

01/20/03

TAX # 334800.012.000-0001-039.000/0000 ID 334800012000000103900000001
 SWIS SECT BLK LOT SUFFIX
 PROP ADDR 43 HILLSIDE AV
 TOWN OF NEW WINDSOR AREA 620
 PROP CLASS 220/RESIDENTIAL DOUBLE FAMILY
 RDRF&DEPTH 50.000 X 100 ACRE EST ACRE 0.11
 SCHOOL 331100/NEWBURGH YRBT 1951
 STYLE DESC RANCH SQ. FT 2224 BEDROOMS 4 BATHS 2

BUILDING INFORMATION

CONSTRUCTION GRADE AVERAGE #RES RECORDS 1 #COM RECORDS
 # OF KITCH 2 #CAR GARAGE BSMT 4/FULL
 # OF FPLCS 2 GARAGE TYPE NONE HEAT 3/HOTWTR/STM
 FUEL 4/OIL

OTHER FEATURE INFORMATION

#	DESCRIPTION	YRBLT	#	DESCRIPTION	YRBLT
1	PATIO CONCRT	1951	3		
2			4		

LAND INFORMATION

UTILITIES 3/ELECTRIC WATER 3/COM/PUBLIC SEWER 3/COM/PUBLIC RAW LAND 0

VALUE & TAX INFORMATION

LAND VALUE \$ 3700 ASMT\$ \$ 28300 # SPECIAL DISTRICTS 1
 TAX YEAR 2001 EST FM VALUE \$ 106,351 EST ANNUAL TAXES \$ 3242.00

SALE & DEED TRANSFER INFORMATION

SP TTD BOOK PAGE DEED DATE
 1949 00537 # SALES RECORDS 1

OWNER NAME & MAILING ADDRESS

OWNR ANTONELLI JOHN J ELLEN L
 OWNR MAIL JOHN ANTONELLI OWNR TYPE 1
 ADDRESS S 43 HILLSIDE AVE
 NEW WINDSOR NY 12553

INFORMATION DEEMED RELIABLE BUT NOT GUARANTEED

Gate got to close by its-
 electrician-
 Hook up - electric
 for pool -
 check outlet in room
 46 inches under
 ground
 lay cable -
 and pocket.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

November 5, 2003

JOHN & ELLEN ANTONELLI
43 Hillside Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-56

Dear Mr. & Mrs. Antonelli:

This letter is to inform you that you have been placed on the November 10, 2003 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

43 Hillside Drive
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE: \$ 50.00
*ESCROW: \$300.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

**

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
\$1.00 EA. ADDITIONAL
NAME

RECEIVED
TOWN OF NEW WINDSOR

NOV - 3 2003

ENGINEER & PLANNING

FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

*** * MUST READ AND SIGN * ***

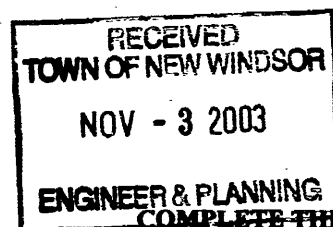
I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING.... (this charge is not deducted from your escrow posted).

John A. Bonnell 10/30/03
SIGNATURE DATE

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE. (JULY AND AUGUST - ONE MEETING PER MONTH ONLY)

PAGE 2



03-56



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE



_____ Application Type: Use Variance ☒ Area Variance ☒
Date Sign Variance ☐ Interpretation ☒

I. **Owner Information:** Phone Number: (845) 569-1097
John + Ellen Antonelli Fax Number: ()
(Name)
43 Hillside Ave New Windsor NY 12553
(Address)

II. **If Moving to New Address, please list forwarding address for return of escrow:**

Phone Number: ()
(Name) N/A Fax Number: ()
(Address)

III. **Attorney:** N/A Phone Number: ()
(Name) Fax Number: ()
(Address)

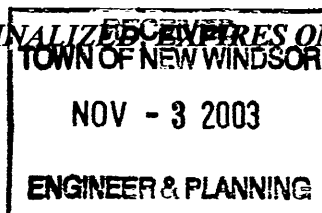
IV. **Contractor/Engineer/Architect** Surveyor Phone Number (845) 566-6650
William B Hildreth, C.S. Fax Number: 845-566-6693
(Name)
407 South Plank Rd Unit 3 Newburgh NY 12550
(Address)

V. **Property Information:**

Zone: R-4 Property Address in Question: 43 Hillside Ave New Windsor
Lot Size: (2) LOTS 50x100 Fax Map Number: Section 12 Block 1 Lots 39+40
a. What other zones lie within 500 feet? R-2
b. Is pending sale or lease subject to ZBA approval of this Application? No
c. When was property purchased by present owner? Sept 1972
d. Has property been subdivided previously? NO If so, When: N/A
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? NO

****PLEASE NOTE.*****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE
OF SUBMITTAL.



03-56
COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

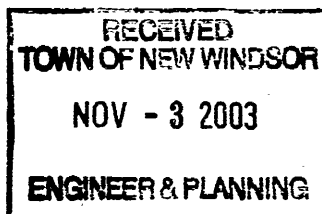
	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area	43,560 S.F.	9,990 S.F.	33,570 S.F.
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	40'	13.6'	26.4'
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*	30%	42%	12%
Floor Area Ratio**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



03-56

COMPLETE THIS PAGE ☐

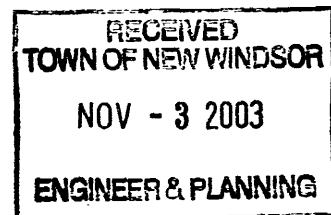
**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

THE MAJORITY OF LOTS AND HOMES IN THE
NEIGHBORHOOD ARE OF COMPARABLE SIZE. CONSEQUENTLY,
VARIANCES ARE NOT SUBSTANTIAL AND WILL NOT ADVERSELY
IMPACT THE NEIGHBORHOOD. LOT SIZE PRE-DATES ZONING AND
CURRENT ZONING REQUIREMENTS ARE IMPOSSIBLE TO MEET,
THEREFORE THE DIFFICULTY IS NOT SELF CREATED.



PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

03-56

COMPLETE THIS PAGE ☐

OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

N/A

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	_____	_____	_____
Sign #2	_____	_____	_____
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs _____?

XI. INTERPRETATION:

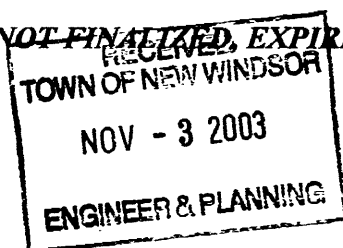
- (a) Interpretation requested of New Windsor Zoning Local Law,
Section 48-9 TABLE OF USE / BULK REGULATIONS ; COLUMN A

- (b) Describe in detail the proposal before the Board:

REQUEST CONTINUANCE OF TWO-FAMILY USE. RESIDENCE
WAS PURCHASED IN 1972 AS A TWO-FAMILY. TAX ROLLS
LIST PROPERTY AS TWO-FAMILY.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



03-56

COMPLETE THIS PAGE ☐

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☒ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00, (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00, (application fee)
- ☐ One in the amount of \$ 25.00, (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR(4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

30th day of October 2003.

John A. Dantonelli
Owner's Signature (Notarized)

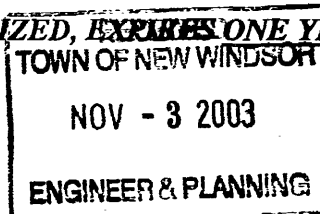
John A. Dantonelli
Owner's Name (Please Print)

Deborah Green
Signature and Stamp of Notary
DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 2007

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



COMPLETE THIS PAGE ☐

03-56

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VI. USE VARIANCE:

Use Variance requested from New Windsor Zoning Local Law,

Section _____, Table of _____ Regs., Col. _____.

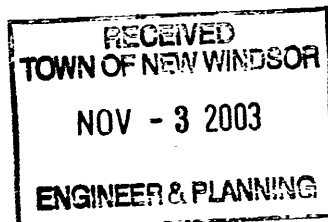
Describe proposal:

SINCE 1962 THERE WAS AN
APARTMENT IN THIS HOUSE
WE WOULD LIKE IT TO REMAIN THAT
WAY. WE PURCHASE THE HOUSE IN 1972
HAS A 2 FAMILY HOUSE
WE ALSO PAID TAXES HAS A 2 FAMILY

- VII. The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



03-56

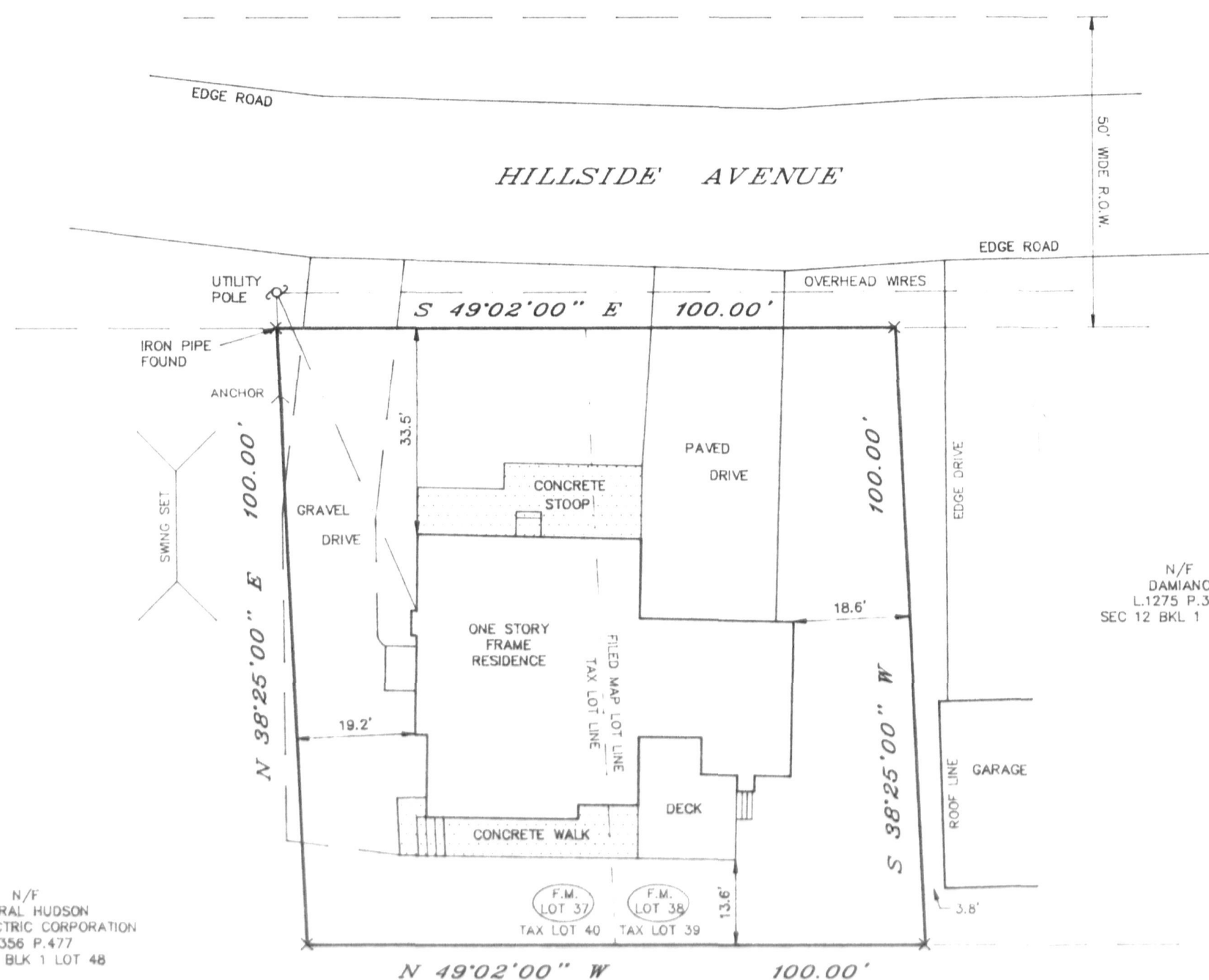
COMPLETE THIS PAGE ☐

R-4 ZONE BULK TABLE

	REQUIRED	PROVIDED
LOT AREA	43,560 S.F.	9,990 S.F.
LOT WIDTH	100'	100.00'
FRONT YARD SETBACK	35'	33.5'
SIDE YARD SETBACK	15'/30'	18.6'/37.8'
REAR YARD SETBACK	40'	13.6'
STREET FRONTAGE	60'	100.00'
BUILDING HEIGHT	35'	ONE STORY
FLOOR AREA RATIO	N/A	N/A
LIVABLE FLOOR AREA	1,000 S.F.	2,224 S.F.
DEVELOPMENT COVERAGE	30%	42%

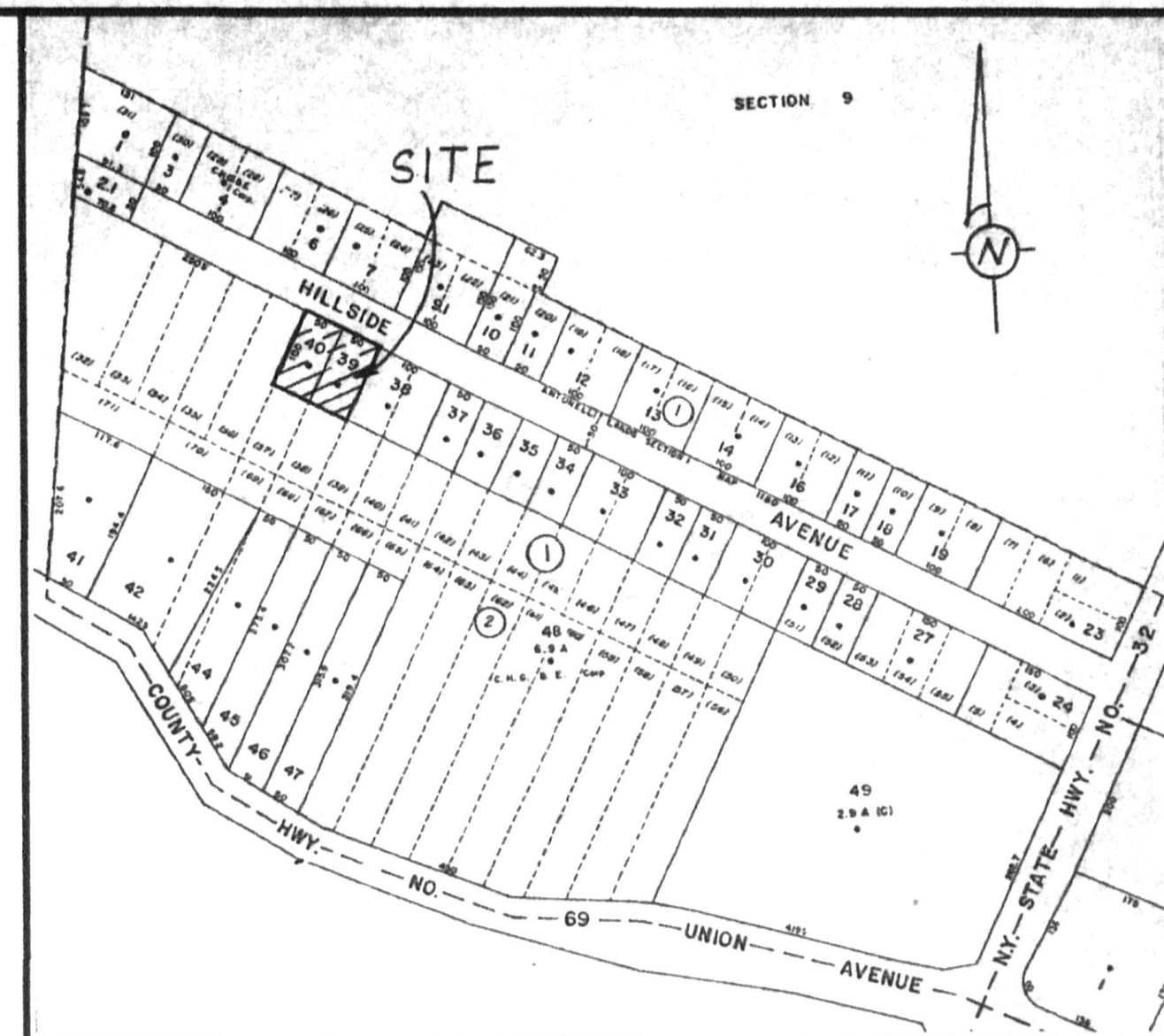
DEED OF RECORD
LIBER 1949 PAGE 537

Parcel Area
9,990 S.F.
0.23 Ac.



N/F
CENTRAL HUDSON
GAS & ELECTRIC CORPORATION
L1356 P.477
SEC 12 BLK 1 LOT 48

N/F
DAMIANO
L1275 P.305
SEC 12 BLK 1 LOT 38



LOCATION PLAN SCALE: 1"=200'±

GENERAL NOTES

1. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW.
2. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY, MARKED WITH AN ORIGINAL LAND SURVEYOR'S INKED SEAL, SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
3. CERTIFICATION SHALL RUN ONLY TO THE PERSONS FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF, TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON AND IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SPECIAL NOTES

1. BEING LOT NOS. 37 AND 38 AS SHOWN ON A MAP ENTITLED "SUBDIVISION OF ANTONELLI LANDS", SAID MAP HAVING BEEN FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON 31 JULY 1940 AS MAP NO. 1180. TAX MAP DESIGNATION: SECTION 12 BLOCK 1 LOTS 39 AND 40. PROPERTY ZONE: R-4 (SERVED BY MUNICIPAL WATER AND SEWER)
2. OFFSETS SHOWN ARE AT RIGHT ANGLES TO THE PROPERTY LINES, UNLESS OTHERWISE NOTED.
3. NO CERTIFICATION IS MADE FOR ITEMS NOT VISIBLE AT GROUND SURFACE AT THE TIME OF SURVEY.
4. THIS PLAN WAS PREPARED PRIOR TO THE RECEIPT OF A TITLE REPORT OR ABSTRACT OF TITLE AND IS THEREFORE SUBJECT TO EASEMENTS AND OTHER GRANTS NOT VISIBLE, IF ANY.

CERTIFICATION

I hereby certify that this plan resulted from an actual field survey of the indicated premises completed on 13 October 2003 performed in accordance with the code of practice adopted by the N.Y.S. Association of Professional Land Surveyors, Inc., and is, to the best of my knowledge and belief, correct.

CERTIFIED TO: John J. Antonelli
Ellen L. Antonelli



William B. Hildreth Land Surveying, P.C. 407 SOUTH PLANK ROAD UNIT 3, NEWBURGH, N.Y. 12550 TEL: (845) 566-6650		SURVEY FOR: JOHN J. ANTONELLI & ELLEN L. ANTONELLI	
REVISIONS: DATE DESCRIPTION _____ _____ _____		TOWN OF NEW WINDSOR ORANGE COUNTY NEW YORK Drawn: WBH Checked: Scale: 1"=20' Date: 14 Oct. 2003 Job No: 03-058	
ACAD: JANT		BOUNDARY/LOCATION SURVEY	